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12 Attorneys for Defendant
SKYWEST AIRLINES, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 SKYWEST PILOTS ALPA ORGANIZING
16 COMMITTEE, et al.,

17 Plaintiffs,

18 vs.

19 SKYWEST AIRLINES, INC.,

20 Defendant.
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No.: 3:07-CV-02688-CRB

**DECLARATION OF DOUGLAS W. HALL
IN SUPPORT OF REQUEST TO
SHORTEN TIME**

Honorable Charles R. Breyer

Date: To be determined
Time: To be determined
Place: Courtroom 8, 19th Floor
Compl. Filed: May 22, 2007

1 I, DOUGLAS W. HALL, declare:

2
3 1. I am an attorney at law licensed to practice before the courts of the District of
4 Columbia. I am an attorney with the law firm of Ford & Harrison LLP, attorneys of record for
5 SkyWest Airlines, Inc. ("SkyWest"), Defendant in the above-referenced action. My *pro hac vice*
6 application before this Court is pending. I make this Declaration in support of SkyWest's Request to
7 Shorten Time. I have personal knowledge of the matters set forth in this Declaration. If called as a
8 witness, I could and would competently testify to these matters.

9
10 2. On May 21, 2007, SkyWest learned for the first time that Plaintiffs SkyWest
11 Pilots ALPA Organizing Committee *et al.* (collectively referred to as "Plaintiffs") was planning to
12 file the above entitled lawsuit the following day. On May 22, 2007, SkyWest further learned that a
13 Temporary Restraining Order ("TRO") had already been entered against it without any evidentiary
14 hearing or other opportunity to be heard.

15
16 3. SkyWest is compelled to seek an order shortening time because Plaintiffs
17 have demanded that SkyWest immediately comply with certain aspects of the TRO – including
18 access to SkyWest's email system by noon today and the establishment of dedicated bulletin boards
19 throughout SkyWest's system by 5:00 p.m. "local time" today. These demands were made in a May
20 22, 2007 letter from Linda Lye, counsel for Plaintiffs. A true and correct copy of the May 22, 2007
21 is attached hereto as Exhibit A.

22
23 4. Substantial harm to SkyWest would occur if this Request was not granted.
24 Among other things, Plaintiffs may be granted immediate access to SkyWest's proprietary email
25 system. SkyWest may also be forced to incur unwarranted expenses in both time and money to
26 create dedicated bulletin boards for Plaintiffs' uses. The harms to SkyWest are compounded
27 because the TRO was issued without prior notice to SkyWest and without any evidentiary hearing.

1 5. On the other hand, there is no harm to Plaintiffs if the Request to Shorten
2 Time is granted. Ms. Lye has already confirmed that Plaintiffs are available at 3 p.m. or thereafter
3 today. Moreover, FRCP 65(b) provides that only two days notice is required for a hearing on a
4 motion to dissolve. I gave Ms. Lye notice of SkyWest's Motion to Dissolve yesterday. Thus, the
5 Request only shortens time one day from what is allowed by rule.

6
7 6. During my conversation with Ms. Lye, I also sought a stipulation to shorten
8 time in compliance with Local Civil Rule 6-3. Ms. Lye indicated that Plaintiffs had no objection to
9 counsel for SkyWest appearing telephonically at a hearing on the Motion to Dissolve. I also
10 understood that Ms. Lye had no objection to shortening time for a hearing on the Motion to
11 Dissolve, if the Court deemed that a hearing was necessary, so long as the hearing was held after 3
12 p.m. today because of the unavailability of one of her colleagues prior to that time.

13
14 7. Based on my understanding of Ms. Lye's representation, James Daire, local
15 counsel for SkyWest, prepared a stipulation and proposed order and sent it to Ms. Lye this morning
16 for her review and signature. A true and correct copy of Mr. Daire's email is attached hereto as
17 Exhibit B.

18
19 8. Thereafter, Ms. Lye informed SkyWest that Plaintiffs would not stipulate to
20 shortening time a single day, necessitating this Request. [See Exhibit B.]

21
22 9. The underlying dispute stems from the TRO. As set forth in the papers
23 accompanying this Request, the Court lacks jurisdiction to enter a temporary restraining order
24 without an evidentiary hearing where, as here, the lawsuit is a labor dispute. The TRO also fails to
25 comply with the standards of FRCP 65(b). Plaintiffs take the position that there are no jurisdictional
26 or evidentiary infirmities in the TRO.

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3 DATED: May 23, 2007.

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6 /s/
DOUGLAS W. HALL
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CERTIFICATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

DATED: May 23, 2007

REED SMITH LLP

By: /s/ John P. Bovich
John P. Bovich
Attorneys for Defendant

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EXHIBIT A

ALTSHULER BERZON LLP

ATTORNEYS AT LAW

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LINDA LYE
PETER D. NUSSBAUM
KATHERINE M. POLLOCK
CLAIRE P. PRESTEL
DANIEL T. PURTELL
MICHAEL RUBIN
PEDER J. THOREEN
JONATHAN WEISSGLASS

May 22, 2007

By electronic mail, facsimile, and United States mail

Mr. Doug Hall
Ford & Harrison LLP
1300 19th Street, NW, Suite 700
Washington, DC 20036

Mr. Todd Emerson, General Counsel
Ms. Patricia Stambelos, Assistant General Counsel
SkyWest Airlines, Inc.
444 South River Road
St. George, Utah 84790

Re: *SkyWest Pilots ALPA Organizing Committee v. SkyWest Airlines, Inc.*
07-CV-02688 CRB

Dear Counsel,

As you are aware, the Court today issued a temporary restraining order against SkyWest Airlines, Inc. in the above-referenced matter. I emailed you a copy of the TRO earlier today, and have also served you with a copy by overnight delivery, which will arrive tomorrow morning. The TRO requires SkyWest immediately to cease and desist from interfering with the right of pilots employed by SkyWest to engage in expressive and associational activity protected by the Railway Labor Act ("RLA" or "the Act") and from discriminating against pilots with respect to their expressive and associational activity.

We of course expect SkyWest's immediate compliance with all of the terms of the TRO. We write specifically to address the implementation of the portion of paragraph 3 the TRO

Mr. Hall, Mr. Emerson, Ms. Stambelos
May 22, 2007
Page 2

requiring SkyWest "to provide Plaintiffs and their members with access to the same channels of communication provided to SAPA at any point during the last year, including but not limited to a dedicated bulletin board in each crew lounge where SAPA had a dedicated bulletin board at any point in the last year, general bulletin boards in crew lounges, pilot mailboxes, SkyWest's email system, and newly-hired pilot classes."

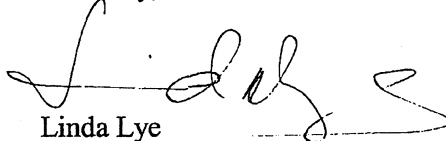
First, we understand that a training session for newly-hired pilots is scheduled to begin on Monday, May 28, 2007. Pursuant to the terms of the TRO, Plaintiffs will be sending a representative to the training session and expect that our representative will be given time to speak to the class of newly-hired pilots regarding ALPA, the organizing campaign, and the benefits of ALPA representation. SkyWest has routinely allowed SAPA to make hour-long presentations to classes of newly-hired pilots. We request that, to comply with the TRO, SkyWest place the SkyWest Pilots ALPA Organizing Committee, on the training session agenda for one hour on Tuesday, May 29, 2007.

Second, the TRO requires SkyWest to provide Plaintiffs and their members with access to SkyWest's email system to communicate with the pilot group. Please provide us no later than noon PDT on Wednesday, May 23, 2007 with all of the information and access we will need to be able to distribute information to the pilot group through the "SkyWest online" system.

Third, the TRO requires SkyWest to provide a dedicated bulletin board in each crew lounge where SAPA had a dedicated bulletin board at any point in the last year. Please provide us with a list of each such location, and ensure that a bulletin board dedicated for use by the SkyWest Pilots ALPA Organizing Committee is posted in each of these locations no later than 5 pm local time.

Please get back to me by noon PDT on Wednesday, May 23, 2007, confirming that all of these matters will be addressed, as required by the TRO.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lye", with a long horizontal line extending to the right.

Linda Lye
Attorney for Plaintiffs

EXHIBIT B

Daire, James

From: Linda Lye [llye@altshulerberzon.com]
Sent: Wednesday, May 23, 2007 8:48 AM
To: Daire, James
Cc: Bovich, John; Doug Hall
Subject: RE: ALPA et al. v. SkyWest

Dear James,

We did not agree to have SkyWest's motion to dissolve the TRO heard today at 3 pm. Doug asked me for our views on his appearing telephonically should the Court hold a hearing on the motion you intend to file to dissolve the TRO. I stated to him that he was authorized to represent that we had no objection to a telephonic appearance by SkyWest's counsel, in the event the Court decides to hold a hearing on any motion you file. I further indicated that we would be unavailable for any hearing between 1 and 3 pm today.

We are not agreeable to a stipulation shortening time on your motion to dissolve. The court has already set a briefing schedule for the preliminary injunction and any issues can be fully addressed in those papers.

Linda

From: Daire, James [mailto:JDaire@ReedSmith.com]
Sent: Wednesday, May 23, 2007 8:36 AM
To: Linda Lye
Cc: Bovich, John; Doug Hall
Subject: ALPA et al. v. SkyWest

<<SKYWEST stipulation to shorten time_v1.DOC>>

Dear Linda:

We are local counsel for SkyWest in the ALPA lawsuit. I understand that you and Doug Hall reached an agreement last evening to have SkyWest's motion to dissolve the TRO heard today at 3:00 p.m. or thereafter.

When the court opens for business, we will contact the calendar clerk to arrange a specific time to be heard and let you know what we hear. In the meantime, please sign the attached stipulation and either scan or fax back the signature page to me. We will arrange to file the stipulation this morning.

Thanks for your prompt attention to this.

Best regards,

James Daire
415.659.5922
jdaire@reedsmith.com

Reed Smith_{LLP}

Two Embarcadero Center, Suite 2000
San Francisco, CA 94111
Fax 415.391.8269

05/23/2007

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05/23/2007